

## **REMARKS**

Claims 1 – 2, 4, 5, 8 – 10, 15, and 16 are in the application. Claims 1, 15, and 16 are currently amended; claims 3, 6, 7, 11 – 14, 17, and 18 are canceled; and claims 2, 4, 5, and 8 – 10 were previously presented. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added. Reconsideration and further examination are respectfully requested.

### **Claim Rejections – 35 USC § 101**

Claims 6 and 7 were rejected under 35 U.S.C. 101 for purportedly being, directed to non-statutory subject matter.

Claims 6 and 7 are hereby canceled by the amendments submitted herewith. Accordingly, the rejection to claims 6 and 7 is moot. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 6 and 7 under 35 USC 101.

### **Claim Rejections – 35 USC § 112**

Claims 6 and 7 were rejected under 35 U.S.C. 112, first paragraph, for failing to comply with the enablement requirement.

Claims 6 and 7 are hereby canceled by the amendments submitted herewith. Accordingly, the rejection to claims 6 and 7 is moot. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 6 and 7 under 35 USC 112, 1<sup>st</sup> paragraph.

**Claim Rejections – 35 USC § 103**

Claims 1 – 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beverina et al. U.S. Publication No. 2001/0027388 in view of Zimmers et al. U.S. Publication No. 2005/0013417. This rejection is traversed.

Applicant notes that claim 1 relates, in part, to a computer implemented method for managing security risk, the method including setting, in a computer storage, a hierarchical relationship between two or more elements comprising an entity wherein a first element of a first hierarchical level comprises a physical facility and a second element of a second hierarchical level subordinate to the first element comprises one of a facility, a resource, and an asset located at the physical facility of the first element; receiving into the computer storage, on a real time basis, an indication of a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm and is received from government agency or a news feed and wherein the security risk associated with the one or more of the first or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements. Thus, it is clear that the security risk associated with the one or more of the first or second elements are also specifically associated with the corresponding hierarchical level of the first or second elements. Claims 15 and 16 are worded similar to claim 1.

Applicant respectfully maintains that the alleged “setting” of the hierarchical relationship between the first and second elements by Beverina is not the same as the claimed setting.

Additionally, Applicant submits that the cited and relied upon Beverina fails to disclose or suggest the claimed security risk that includes at least one of: a potential for physical, reputational, economic or legal harm and is received from government agency or a news feed and wherein the security risk associated with the one or more of the first

or second elements is also specifically associated with the corresponding hierarchical level of the one or more of the first or second elements.

That is, the claimed security risk associated with each of the associated elements is specifically associated with the corresponding hierarchical level of the elements. Support for the current claims amendments and this aspect of the claims and arguments herein may be found in the Specification at paragraph [0041]. Accordingly, Beverina does not disclose that which is at least now claimed as the invention

Applicant submits that even if Zimmers were combined with Beverina as alleged in the Office Action (not admitted as suggested by the references or feasible by Applicant), the alleged combination would not render claim 1 obvious. This is true since the asserted combination of references fail to disclose or suggest all of that for which they, in combination, were cited and relied upon for disclosing and/or suggesting.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 103(a). Claims 2 and 4, 5, and 8 – 10 depend from claim 1. Applicant respectfully submits that claims 2, and 4, 5, and 8 – 10 are patentable over Beverina and Zimmers for at least depending from an allowable base claim, and claims 15 and 16 are patentable for at least the same reasons as claim 1.

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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